

Christian Holinka

Holinka v. Asbestos
February 12, 2007

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">1</p> <p>1 SUPREME COURT</p> <p>2 ALL COUNTIES WITHIN THE STATE OF NEW YORK</p> <p>3</p> <p>4 IN RE: NEW YORK CITY ASBESTOS LITIGATION</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 DEPOSITION UNDER ORAL</p> <p>10 EXAMINATION OF</p> <p>11 CHRISTIAN HOLINKA</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 This Document Applies To:</p> <p>17 CHRISTIAN HOLINKA</p> <p>18 INDEX NO.: 114120-06</p> <p>19</p> <p>20</p> <p>21</p> <p>22 PRIORITY ONE COURT REPORTING SERVICES, INC.</p> <p>23 899 Manor Road</p> <p>24 Staten Island, New York 10314</p> <p>25 (718) 983-1234</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 WEITZ & LUXENBERG, P.C.</p> <p>5 Attorneys for Plaintiff</p> <p>6 180 Maiden Lane, 17th Floor</p> <p>7 New York, New York 10038</p> <p>8 BY: BENJAMIN DANCHE, ESQ.</p> <p>9</p> <p>10 PEHLIVANIAN, BRAATEN & PASCARELLA, LLC.</p> <p>11 Attorneys for Defendant Ingersoll Rand Co.</p> <p>12 2430 Route 34</p> <p>13 Manasquan, New Jersey 08736</p> <p>14 BY: KATE MCCLINTOCK, ESQ.</p> <p>15</p> <p>16 LEADER & BERKON, LLP</p> <p>17 Attorneys for DuPont</p> <p>18 630 Third Avenue, 17th Floor</p> <p>19 New York, New York 10017</p> <p>20 BY: JUDITH A. JOSEPH JENKINS, ESQ.</p> <p>21</p> <p>22 DARGER & ERRANTE, LLP</p> <p>23 Attorneys for Defendant Lennox</p> <p>24 116 East 27th Street, 12th Floor</p> <p>25 New York, New York 10016</p> <p>BY: CRAIG GLANTZ, ESQ.</p> <p>WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP</p> <p>Attorneys for Defendant A.W. Chesterton</p> <p>150 East 42nd Street</p> <p>New York, New York 10017</p> <p>BY: TODD DESIMONE, ESQ.</p>
<p style="text-align: right;">Page 2</p> <p style="text-align: center;">2</p> <p>1 Transcript of the deposition of the Plaintiff,</p> <p>2 called for Oral Examination in the above-captioned</p> <p>3 matter, said deposition being taken pursuant to</p> <p>4 Federal Rules of Civil Procedure by and before</p> <p>5 CHERYL F. BAREN, a Notary Public and Shorthand</p> <p>6 Reporter, at the Offices of Weitz & Luxenberg, 180</p> <p>7 Maiden Lane, New York, New York, on Monday, February</p> <p>8 12, 2007, commencing at approximately 11:00 in the</p> <p>9 forenoon.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 DRINKER, BIDDLE & REATH, LLP</p> <p>3 Attorneys for Defendant Baxter</p> <p>4 500 Campus Drive</p> <p>5 Florham Park, New Jersey 07932</p> <p>6 BY: TIM FRASER, ESQ.</p> <p>7</p> <p>8 HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP</p> <p>9 Attorneys for Defendant Fisher Scientific</p> <p>10 40 Paterson Street</p> <p>11 P.O. Box 480</p> <p>12 New Brunswick, New Jersey 08903</p> <p>13 BY: KRISTY KULINA LYONS, ESQ.</p> <p>14</p> <p>15 ANDERSON, KILL & OLICK, P.C.</p> <p>16 Attorneys for Defendants</p> <p>17 Amchem and Certainfeed</p> <p>18 1251 Avenue of the Americas</p> <p>19 New York, New York 10020-1182</p> <p>20 BY: CRAIG BLAU, ESQ.</p> <p>21</p> <p>22 DRINKER, BIDDLE & REATH, LLP</p> <p>23 Attorneys for Defendants VWR, Univer</p> <p>24 500 Campus Drive</p> <p>25 Florham Park, New Jersey 07932</p> <p>BY: DAVID F. ABERNETHY, ESQ.</p> <p>MALABY, CARLISLE & BRADLEY, LLC</p> <p>Attorneys for Defendants Adience, CBS,</p> <p>and Kewanee Scientific</p> <p>150 Broadway</p> <p>New York, New York 10038</p> <p>BY: CORI LEAVITT, ESQ.</p> <p>KOD LEE, ESQ.</p>

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<p style="text-align: right;">Page 5</p> <p>1 REED SMITH, LLP 5 2 Attorneys for Defendant Manor Health Care 3 599 Lexington Avenue 4 New York, New York 10022 5 BY: GREG A. DADIKA, ESQ. 6 7 MCGIVNEY & KLUGER, P.C. 8 Attorneys for Defendant Beckman Coulter 9 80 Broad Street, 23rd Floor 10 New York, New York 10004 11 BY: LAURA HOLLMAN, ESQ. 12 13 LAW OFFICES OF IAN R. GRODMAN, PC 14 Attorneys for Defendant 15 Rheem Manufacturing Co. 16 515 Valley Street, Suite 107 17 Maplewood, New Jersey 07040 18 BY: IAN R. GRODMAN, ESQ. 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 7</p> <p>1 Christian Holinka 7 2 CHRISTIAN HOLINKA, the 3 Plaintiff herein, after having first been duly 4 sworn by a Notary Public of the State of New 5 York, was examined and testified as follows: 6 THE REPORTER: State your name for the 7 record, please. 8 THE WITNESS: Christian Holinka. 9 THE REPORTER: State your present home 10 address for the record, please. 11 THE WITNESS: 299 West 12th Street, 12 Apartment 9-J, New York, New York 10014. 13 DIRECT EXAMINATION 14 BY MS. LEAVITT: 15 Q Hello, Mr. Holinka. My name is Cori 16 Leavitt and I am an attorney with the law firm of 17 Malaby, Carlisle and Bradley. I represent a few of 18 the defendants that have been sued in your lawsuit. 19 I am going to be asking most of the 20 questions today. When I am done asking all of the 21 questions that I need to, some of the other attorneys 22 in the room might have some questions. 23 First, I want to tell you a few ground 24 rules at depositions. As a courtesy we should wait 25 until each person is done speaking because the Court</p>
<p style="text-align: right;">Page 6</p> <p>1 6 2 IT IS HEREBY STIPULATED AND AGREED by and between 3 the attorneys for the respective parties hereto that 4 filing, sealing and certification of the within 5 Examination Before Trial be waived; that all 6 objections, except as to form, are reserved to the 7 time of trial. 8 IT IS FURTHER STIPULATED AND AGREED that the 9 transcript may be signed before any Notary Public with 10 the same force and effect as if signed before a Clerk 11 or Judge of the Court. 12 IT IS FURTHER STIPULATED AND AGREED that the 13 within examination may be utilized for all purposes as 14 provided by the CPLR. 15 IT IS FURTHER STIPULATED AND AGREED that all 16 rights provided to all parties by the CPLR shall not 17 be deemed waived and the appropriate sections of the 18 CPLR shall be controlling with respect thereto. 19 IT IS FURTHER STIPULATED AND AGREED by and 20 between the attorneys for the respective parties 21 hereto that a copy of the Examination shall be 22 furnished, without charge, to the attorney 23 representing the witness testifying herein. 24 25</p>	<p style="text-align: right;">Page 8</p> <p>1 Christian Holinka 8 2 Reporter cannot take everything down if we are talking 3 on top of each other, okay? When I ask a question, 4 all my questions require responses. So, nodding your 5 head the Court Reporter cannot take down, so you will 6 have to say yes or no; do you understand that? 7 A Yes. 8 Q If you do not understand one of my 9 questions, please just let me know and I will try to 10 rephrase it so that you do understand my question. 11 And I do not want you to guess with any of your 12 answers. If you have a best recollection or a best 13 estimate, that is fine but we do not want you to 14 guess. We are just here to find out what you remember 15 today; do you understand? 16 A Yes. 17 Q And if at any time you need a break, please 18 just let me know and we will be happy to give you a 19 break. 20 A Thank you, I will. 21 Q Mr. Holinka, am I saying your name 22 properly? 23 A Holinka. 24 Q Have you been known under any name other 25 than Christian Holinka?</p>

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1	Christian Holinka 9	1	Christian Holinka 11
2	A No. My middle name is Franz, Christian	2	A No.
3	Franz Holinka.	3	Q Do you know how her health is now?
4	Q Do you have any nicknames?	4	A Good.
5	A No.	5	Q Was Hilka a smoker when you were married to
6	Q And how old are you?	6	her?
7	A Sixty-nine.	7	A Very briefly for perhaps half a year and
8	Q And can you please tell me your birthday.	8	then she quit.
9	A July 7, 1937.	9	Q When did you and Hilka get married?
10	Q And your Social Security number, please.	10	A In 1970.
11	A 071-32-9313.	11	Q Was Hilka your first and only marriage?
12	Q Am I correct that you presently reside at	12	A Yes.
13	299 West 12th Street, Apartment 9-J in New York City?	13	Q Do you know if Hilka has any lung or
14	A That's correct.	14	breathing problems?
15	Q Have you taken any medications today?	15	A No, no, she doesn't.
16	A No.	16	Q Do you know if -- let me rephrase that --
17	Q Are you married?	17	has Hilka ever been diagnosed with any type of cancer?
18	A No.	18	A No.
19	Q Have you ever been married?	19	Q Do you and Hilka have any children
20	A Yes.	20	together?
21	Q And can you tell me who you were married	21	A No.
22	to?	22	Q Do you have any children?
23	A Yes. Her name is Hilka Veth; V-E-T-H. She	23	A No.
24	lived -- well,...	24	Q Can you tell me the name of your father,
25	Q Did she use the same last name as you when	25	please.
Page 10		Page 12	
1	Christian Holinka 10	1	Christian Holinka 12
2	you were married?	2	A Yes. Herbert Kalke; K-A-L-K-E.
3	A Yes, she did.	3	Q Is your father deceased?
4	Q Is she presently alive?	4	A Yes.
5	A Yes.	5	Q How old was your father when he died?
6	Q And how did that marriage end?	6	A In his early 30's.
7	A Divorce.	7	Q What did your father die from?
8	Q Does she still use the last name Holinka?	8	A He was killed in the war.
9	A No.	9	Q World War II?
10	Q What is her present last name?	10	A Uh-huh.
11	A V-E-T-H.	11	Q You have to say yes.
12	Q And when did you get divorced?	12	A Sorry, yes.
13	A 1978.	13	Q Was he a military man?
14	Q Do you know where she lives presently?	14	A He was drafted, not, not career.
15	A Yes. In Hamburg in Germany.	15	Q Prior to being drafted into the military,
16	Q Did she ever live in the United States with	16	what did your father do for a living?
17	you?	17	A He was a business person. I know for when
18	A Yes.	18	-- may I say something? I know very little about him
19	Q When did she move back to Hamburg, Germany?	19	because my mother was not married to him.
20	A In 19 -- late 1974, may have been early	20	Q Do you know anything about your father's
21	'75.	21	health?
22	Q Were you separated at that time?	22	A No.
23	A No, we lived together.	23	Q Do you know if your father was a smoker?
24	Q Is Hilka Veth in any way financially	24	A No, I don't know.
25	dependent upon you at this time?	25	Q Did your father have any lung or breathing

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1	Christian Holinka	13	1	Christian Holinka	15
2	problems?		2	Q	Was that in Germany?
3	A	I don't know.	3	A	It's in Germany.
4	Q	How old were you when your father passed	4	Q	Where in Germany?
5	away?		5	A	In West Germany.
6	A	Five-years-old.	6	Q	Is there a specific town?
7	Q	Were there any other father figures in your	7	A	Yes, Olpe; O-L-P-E.
8	life?		8	Q	Was that during wartime that you lived
9	A	No.	9	there?	
10	Q	Is your mother living or deceased?	10	A	No, that was after the war. It was 1950 to
11	A	Deceased.	11	'54. To '53 actually.	
12	Q	And what was your mother's name?	12	Q	From approximately 1937 to approximately
13	A	Maria Holinka.	13	1950, where did you live?	
14	Q	How old was your mother when she passed	14	A	Until I was 7-years-old in what's now
15	away?		15	Poland, Bad Altheide.	
16	A	Ninety-five.	16	Q	Can you spell that?
17	Q	And what did your mom die from?	17	A	I can give you the name of the town.
18	A	No specific cause. Old age I guess you	18	Q	Yes, please.
19	might say.		19	A	B-A-D, new word, A-L-T-H-E-I-D-E.
20	Q	How was your mother's health?	20	Q	And that is now considered Poland?
21	A	Excellent.	21	A	It's now considered Poland, yes.
22	Q	Was your mother a smoker?	22	Q	And what was it considered when you lived
23	A	No.	23	there?	
24	Q	What is it your mother -- did your mother	24	A	Germany.
25	work?		25	Q	Were you attending school at that time?
Page 14			Page 16		
1	Christian Holinka	14	1	Christian Holinka	16
2	A	Yes, she did.	2	A	No.
3	Q	What did she do?	3	Q	Do you have any siblings?
4	A	She worked as an administrator in a hotel.	4	A	No.
5	Q	Was that hotel in Germany?	5	Q	Who did you live with there?
6	A	Yes.	6	A	With my aunt.
7	Q	Do you know what part of Germany?	7	Q	What kind of home was it?
8	A	Well, actually generically she worked as an	8	A	It was a family home, rental.
9	administrator in hotels, she worked in perhaps two or		9	Q	Was it a one-family home or was it in an
10	three near Cologne, I don't remember the exact		10	apartment building?	
11	addresses.		11	A	It was a medium size building, about six
12	Q	Did your mother have any lung or breathing	12	units, six apartments.	
13	problems?		13	Q	How was the unit that you lived in heated?
14	A	No.	14	A	I think gas, I do not recall. Or steam,
15	Q	Can you give me the address of the first	15	very likely steam heating because that was the general	
16	home you recall living in?		16	case at the time but I do not recall.	
17	A	I can give you the street and the town.	17	Q	Did you ever handle any coal with respect
18	Q	Okay.	18	to the heating at this house?	
19	A	In fact, I know the number also. The	19	A	I think so. I do not recall exactly.
20	street is One Erzberger Strasse.		20	Q	What was the condition of the unit that you
21	Q	Can you spell that?	21	lived in?	
22	A	E-R-Z-B-E-R-G-E-R, and then Strasse,	22	A	It was very good, it was a new building
23	street.		23	when we moved in.	
24	Q	How old were you when you lived there?	24	Q	Between age 7 and age 10 before you moved
25	A	I was about 10 to 14.	25	to Olpe in West Germany, where did you live?	

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<p>1 Christian Holinka 17</p> <p>2 A Well, there was about a year prior to that</p> <p>3 also in Olpe. You ask me the first address I remember</p> <p>4 there, I don't remember the address.</p> <p>5 Q But it was in the same town?</p> <p>6 A It was in the same town.</p> <p>7 Q And who did you live with?</p> <p>8 A Also my aunt and my cousin.</p> <p>9 Q What was your aunt's full name?</p> <p>10 A First name is Erna; E-R-N-A, last name</p> <p>11 J-A-K-U-S-Z-I-T.</p> <p>12 Q And your cousin's name?</p> <p>13 A Her first name is Petra; P-E-T-R-A.</p> <p>14 Q Same last name?</p> <p>15 A No, she's married now, so she uses her</p> <p>16 married name Rottenbacher; R-O-T-T-E-N-B-A-C-H-E-R.</p> <p>17 Q And is Petra still alive?</p> <p>18 A Yes.</p> <p>19 Q And where does she presently live?</p> <p>20 A Cologne, Germany.</p> <p>21 Q Do you know her address?</p> <p>22 A I know the street.</p> <p>23 Q Can you please tell me the street?</p> <p>24 A Yes. I can spell it.</p> <p>25 Q Yes, please.</p>	<p>1 residence?</p> <p>2 A Yeah. And it was mainly what's called</p> <p>3 briquette, this pressed coal, light brown coal.</p> <p>4 Q How often, if you can estimate for me,</p> <p>5 would you have to bring the coal from the basement?</p> <p>6 A Once a week, twice a week, estimated.</p> <p>7 Q And did you also have to bring the coal</p> <p>8 into the residence when you were living in what is --</p> <p>9 I am not going to be able to pronounce it -- so what</p> <p>10 is now considered the Poland address that you gave us?</p> <p>11 A No.</p> <p>12 Q And who did you live with when you resided</p> <p>13 at One Erzberger Strasse in Olpe, West Germany?</p> <p>14 A My aunt and my cousin.</p> <p>15 Q And what type of residence was that?</p> <p>16 A It was a new building, meaning it was well</p> <p>17 built in the early 50's.</p> <p>18 Q Was that heated with coal?</p> <p>19 A There certainly was one stove that used</p> <p>20 coal.</p> <p>21 Q And was the coal stored in the basement?</p> <p>22 A I would imagine so, yes.</p> <p>23 Q And did you have to bring the coal from the</p> <p>24 basement up to the area where this stove was?</p> <p>25</p>
Page 18	Page 20
<p>1 Christian Holinka 18</p> <p>2 A R-O-S-E-N-T-H-A-L, and then Strasse,</p> <p>3 street.</p> <p>4 Q If at a later time you remember the</p> <p>5 specific address on that street, can you please let</p> <p>6 your attorney know and provide that information for</p> <p>7 us.</p> <p>8 And what kind of residence did you live in</p> <p>9 for that one year?</p> <p>10 A It was an older building. Also, well, I</p> <p>11 can't say apartment building because, you know, you</p> <p>12 had 70 million refugees from the east. So, what</p> <p>13 happened is people were required to share a room with</p> <p>14 refugees from the east. So, it was really a private</p> <p>15 building of two parties that lived there permanently</p> <p>16 and we were quartered there if you want. The building</p> <p>17 I would say was built in about 1925, mid-20's.</p> <p>18 Q Were there any coal burning stoves at that</p> <p>19 residence?</p> <p>20 A Yes.</p> <p>21 Q Did you ever have to bring the coal from</p> <p>22 somewhere into the residence for heating purposes?</p> <p>23 A Well, usually from the basement, the</p> <p>24 cellar, yes.</p> <p>25 Q So, there was coal in the cellar of this</p>	<p>1 Christian Holinka 20</p> <p>2 A Occasionally I did.</p> <p>3 Q Would that be approximately once a week?</p> <p>4 A Probably less, I don't recall exactly.</p> <p>5 Q Can you tell me, because I've never had to</p> <p>6 bring coal from one place to another, what is it that</p> <p>7 you would have to do; was there a wheelbarrow that</p> <p>8 helped you or can you explain the process to me?</p> <p>9 A No. You just had a little basket and you</p> <p>10 put some of these coal, the best kind of light coal,</p> <p>11 you put five or six or eight briquettes in there and</p> <p>12 you took them upstairs.</p> <p>13 Q In approximately 1953 where did you move</p> <p>14 to?</p> <p>15 A To a boarding school.</p> <p>16 Q And what was the name of the boarding</p> <p>17 school?</p> <p>18 A I don't even think it had a name.</p> <p>19 Q Where was it located?</p> <p>20 A In Oldenburg; O-L-D-E-N-B-U-R-G. And I --</p> <p>21 you want the address?</p> <p>22 Q Please.</p> <p>23 A Eferdemarkt; E-F-E-R-D-E-M-A-R-K-T, One.</p> <p>24 Q Oldenburg is the town?</p> <p>25 A Yes.</p>

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<p>1 Christian Holinka 21</p> <p>2 Q And is that also in West Germany?</p> <p>3 A Yes. In the north of West Germany, western</p> <p>4 Germany.</p> <p>5 Q Did your Aunt Erna work when you lived with</p> <p>6 her?</p> <p>7 A No.</p> <p>8 Q Other than your aunt and your cousin Petra,</p> <p>9 did you live with any other family members from up</p> <p>10 until age 14?</p> <p>11 A No.</p> <p>12 Q For how long did you attend the boarding</p> <p>13 school?</p> <p>14 A Three years, 1954 through 1956.</p> <p>15 Q While at boarding school did you have any</p> <p>16 type of vocational training?</p> <p>17 A No.</p> <p>18 Q The education that you received at boarding</p> <p>19 school, was it all academics?</p> <p>20 A Yes.</p> <p>21 Q Did you work at all while attending</p> <p>22 boarding school?</p> <p>23 A No.</p> <p>24 Q What type of residence did you live in at</p> <p>25 the boarding school?</p>	<p>1 Christian Holinka 23</p> <p>2 A No.</p> <p>3 Q Are you a citizen of the United States?</p> <p>4 A Yes.</p> <p>5 Q When did you become a citizen?</p> <p>6 A I don't recall the exact year. I think it</p> <p>7 was 1966. I can validate this with my attorney.</p> <p>8 Q Thank you.</p> <p>9 When you came to the United States in</p> <p>10 approximately 1956, can you tell me where you lived?</p> <p>11 A No, definitely 1956, October 26th.</p> <p>12 Q Where did you live?</p> <p>13 A I briefly lived with my uncle and aunt in</p> <p>14 Queens.</p> <p>15 Q Just to back up for a minute, how did you</p> <p>16 get to the United States?</p> <p>17 A By applying for an immigration visa</p> <p>18 sponsored by my relatives.</p> <p>19 Q How did you actually transport yourself to</p> <p>20 the United States?</p> <p>21 A Flying.</p> <p>22 Q Are either your aunt or your uncle</p> <p>23 presently alive?</p> <p>24 A No.</p> <p>25 Q Do you know where in Queens you lived with</p>
Page 22	Page 24
<p>1 Christian Holinka 22</p> <p>2 A It was a very large building, partly office</p> <p>3 building. Built, I would imagine, around 1910.</p> <p>4 Q Were there any renovations ongoing while</p> <p>5 you were at the boarding school?</p> <p>6 A No.</p> <p>7 Q Did you graduate from the boarding school?</p> <p>8 A Yes.</p> <p>9 Q And what type of degree did you get?</p> <p>10 A It was essentially the equivalent to high</p> <p>11 school graduation, that's now direct equivalent.</p> <p>12 Q After boarding school where did you live?</p> <p>13 A In New York.</p> <p>14 Q So, am I correct that in 1956 you left the</p> <p>15 northwestern part of Germany?</p> <p>16 A Yes.</p> <p>17 Q And moved to the United States?</p> <p>18 A I immigrated to the United States, yes.</p> <p>19 Q Did you come here with anyone?</p> <p>20 A No. I had relatives in Queens.</p> <p>21 Q My math is not good, so can you tell me</p> <p>22 approximately how old you were at that time?</p> <p>23 A Nineteen.</p> <p>24 Q Did you serve in the military at any time</p> <p>25 while in Germany?</p>	<p>1 Christian Holinka 24</p> <p>2 them?</p> <p>3 A I have the address, 10413 89th Avenue,</p> <p>4 Richmond Hill.</p> <p>5 Q Is that a single-family home?</p> <p>6 A It was a two-family home.</p> <p>7 Q Did you live with any cousins at that</p> <p>8 address?</p> <p>9 A No.</p> <p>10 Q How was that house heated?</p> <p>11 A I don't know.</p> <p>12 Q Were any renovations ongoing while you</p> <p>13 lived there?</p> <p>14 A No.</p> <p>15 Q You might have answered this but I just do</p> <p>16 not remember: For how long did you live there with</p> <p>17 your aunt and uncle?</p> <p>18 A About six weeks.</p> <p>19 Q What did your uncle do for a living during</p> <p>20 the six week period that you lived there?</p> <p>21 A He worked at a grocery store.</p> <p>22 Q Did your aunt work during that time?</p> <p>23 A No.</p> <p>24 Q Where did you live after that six week</p> <p>25 period?</p>

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Christian Holinka

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<p>1 Christian Holinka 25</p> <p>2 A In the United States Army. That's not a</p> <p>3 living place but I can give you the various stations.</p> <p>4 Q During what time period were you in the</p> <p>5 Army?</p> <p>6 A November '56 to July '59. May have been</p> <p>7 August '59.</p> <p>8 Q Did you receive an honorable discharge?</p> <p>9 A Yes.</p> <p>10 Q Can you tell me where you were stationed in</p> <p>11 the Army, please.</p> <p>12 A Yes. Fort Dix, New Jersey for basic</p> <p>13 training, eight weeks.</p> <p>14 Q During the eight weeks of basic training,</p> <p>15 were you exposed to asbestos in any way?</p> <p>16 A Not to my knowledge.</p> <p>17 Q Were you exposed to any type of chemicals</p> <p>18 or fumes during the eight weeks of basic training?</p> <p>19 A I don't know.</p> <p>20 Q Were you exposed to any types of gas during</p> <p>21 the eight weeks of basic training?</p> <p>22 A Not to my knowledge.</p> <p>23 Q What about radiation?</p> <p>24 A Not to my knowledge, no.</p> <p>25 Q After the eight weeks of basic training,</p>	<p>1 Christian Holinka 27</p> <p>2 Q Were you exposed to asbestos during the two</p> <p>3 month period at Fort Sam?</p> <p>4 A It is likely.</p> <p>5 Q Can you explain to me why it was likely or</p> <p>6 how it was likely?</p> <p>7 A The training was, the training of a medical</p> <p>8 laboratory technician and in doing so we used Bunsen</p> <p>9 burners with Bunsen burner pads that had the center</p> <p>10 round asbestos parts to uniformly distribute heat. We</p> <p>11 used incubators to an extent but at that period in a</p> <p>12 minor way because it was a matter of training, not</p> <p>13 full-time work at the laboratory.</p> <p>14 Q How much of your time during the two months</p> <p>15 at Fort Sam was spent on academics, classroom?</p> <p>16 A Perhaps two hours a day, theoretical</p> <p>17 training.</p> <p>18 Q And how much time was spent in the</p> <p>19 laboratories training?</p> <p>20 A The rest about five, six hours.</p> <p>21 Q Out of the five, six hours a day, can you</p> <p>22 estimate how much time was spent on the Bunsen burner,</p> <p>23 working with Bunsen burners?</p> <p>24 A Relatively little. During training I would</p> <p>25 say perhaps two hours a week divided by five is per</p>
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<p>1 Christian Holinka 26</p> <p>2 where were you stationed?</p> <p>3 A Fort Sam, Houston, Texas.</p> <p>4 Q Is that Fort Sam?</p> <p>5 A Fort Sam.</p> <p>6 Q And for how long were you there?</p> <p>7 A Well, Brooks Army Medical Center is the</p> <p>8 unit I was associated with.</p> <p>9 Q For how long were you there?</p> <p>10 A About two months.</p> <p>11 Q Did you have a rank or a title at that</p> <p>12 time?</p> <p>13 A Private. At the end I think I was promoted</p> <p>14 to a PFC, Private First Class.</p> <p>15 Q When you say "at the end, "are you saying</p> <p>16 at the end of those two months?</p> <p>17 A Yeah. That was a specialty training</p> <p>18 program and I believe at the end or shortly thereafter</p> <p>19 I was promoted.</p> <p>20 Q And what was the specialty that you were</p> <p>21 training in?</p> <p>22 A Medical laboratory technician.</p> <p>23 Q Had you had any prior experience with</p> <p>24 medical laboratories prior to this two month period?</p> <p>25 A No.</p>	<p>1 Christian Holinka 28</p> <p>2 day.</p> <p>3 Q Why would you have to use a Bunsen burner?</p> <p>4 A To heat media, to heat water. It's a</p> <p>5 ubiquitous thing, just like a gas stove in a kitchen.</p> <p>6 Q Were you actually using the Bunsen burners</p> <p>7 or were you watching the teachers use the Bunsen</p> <p>8 burners?</p> <p>9 A Both.</p> <p>10 Q Now, you told us that there were pads on</p> <p>11 the Bunsen burners, what was it about your, what was</p> <p>12 it about these pads that you believe --</p> <p>13 MS. LEAVITT: Strike that.</p> <p>14 Q What was it about the work that you were</p> <p>15 doing with the Bunsen burners that you believe caused</p> <p>16 you to be exposed to asbestos?</p> <p>17 A A part of the pad that you placed on a</p> <p>18 flame to uniformly distribute heat was known to</p> <p>19 contain asbestos.</p> <p>20 Q Did you have to do any work with that pad?</p> <p>21 A Well, you handled it. Certainly if it was</p> <p>22 new, you put it on and if it became brittle and</p> <p>23 somewhat dusty, you disposed of it and put on another</p> <p>24 one.</p> <p>25 Now, I would like to emphasize that that</p>

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<p style="text-align: right;">Page 29</p> <p>1 Christian Holinka 29</p> <p>2 was relatively minimal during training but later</p> <p>3 during my work in the year I worked with it every day.</p> <p>4 MR. DARCHE: Just answer, she will ask</p> <p>5 that.</p> <p>6 THE WITNESS: Okay.</p> <p>7 Q Can you tell us what kind of work you would</p> <p>8 do on or with incubators during this two month period?</p> <p>9 A Bacterial cultures.</p> <p>10 Q I'm sorry?</p> <p>11 A Bacterial cultures.</p> <p>12 Q Would you take the cultures and put them</p> <p>13 into the incubator?</p> <p>14 A Yes.</p> <p>15 Q Just to go backwards, do you know who</p> <p>16 manufactured any of the Bunsen burners that you worked</p> <p>17 on during this two month period at Fort Sam?</p> <p>18 A I do not recall.</p> <p>19 Q Do you know the manufacturer of any of the</p> <p>20 pads that were on the Bunsen burners during the two</p> <p>21 month period at Fort Sam?</p> <p>22 A I do not recall.</p> <p>23 Q How do you believe you were exposed to</p> <p>24 asbestos as a result of the incubators during the two</p> <p>25 month period at Fort Sam?</p>	<p style="text-align: right;">Page 31</p> <p>1 Christian Holinka 31</p> <p>2 Q Do you know for sure that the incubators</p> <p>3 that were at Fort Sam during that two month period</p> <p>4 contained asbestos?</p> <p>5 A No.</p> <p>6 Q Do you know the manufacturer of the</p> <p>7 incubators at Fort Sam?</p> <p>8 A No.</p> <p>9 Q Do you recall the names of any co-workers</p> <p>10 at Fort Sam?</p> <p>11 A No.</p> <p>12 Q Other than the Bunsen burners or the pads</p> <p>13 on the Bunsen burners, were you exposed to asbestos in</p> <p>14 any other way while at Fort Sam?</p> <p>15 A I don't know.</p> <p>16 Q After your training at Fort Sam, where did</p> <p>17 you go?</p> <p>18 A I was stationed at the 98 General Hospital</p> <p>19 in, I will spell the name, Neubruecke, Germany;</p> <p>20 N-E-U-B-R-U-E-C-K-E, in Germany.</p> <p>21 Q That was while you were in the U.S. Army,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q And during what time period were you there?</p> <p>25 A July 1957 to July or August 1959.</p>
<p style="text-align: right;">Page 30</p> <p>1 Christian Holinka 30</p> <p>2 A By handling them.</p> <p>3 Q I want to make sure I understand. Do you</p> <p>4 mean by handling the incubators or by handling the</p> <p>5 bacterial cultures?</p> <p>6 A By handling the incubators.</p> <p>7 Q Can you describe the size of the incubators</p> <p>8 that you are talking about?</p> <p>9 A They typically would be about 3 feet x 3</p> <p>10 feet and perhaps 4 feet in depth but I cannot describe</p> <p>11 them exactly.</p> <p>12 Q What was it about handling the incubators</p> <p>13 that caused you exposure to asbestos?</p> <p>14 A Opening the doors, put in cultures, cell</p> <p>15 cultures, bacterial cultures inside, closing the</p> <p>16 doors. By the door, I should say.</p> <p>17 Q Was there a particular part of the</p> <p>18 incubator that you believe contained asbestos?</p> <p>19 A I don't know.</p> <p>20 Q So, why do you think that you were exposed</p> <p>21 to asbestos from the incubator?</p> <p>22 A To my knowledge incubators at a time</p> <p>23 contained as a component asbestos.</p> <p>24 Q Do you know where on an incubator?</p> <p>25 A I don't know the exact, no.</p>	<p style="text-align: right;">Page 32</p> <p>1 Christian Holinka 32</p> <p>2 Q So, did you spend the duration of your time</p> <p>3 in the Army at the 98 General Hospital?</p> <p>4 A Yes.</p> <p>5 Q And what was your rank or title while you</p> <p>6 were there?</p> <p>7 A Private First Class and in the end</p> <p>8 specialist for Spec 4.</p> <p>9 Q When did you become a specialist?</p> <p>10 A About -- I don't know the exact date. The</p> <p>11 year about 1956, in the middle of my station at</p> <p>12 Neubruecke.</p> <p>13 Q You told us that you were at General</p> <p>14 Hospital from '57 to '59?</p> <p>15 A Uh-huh.</p> <p>16 Q Did you become a specialist while you were</p> <p>17 at the hospital?</p> <p>18 A Yes.</p> <p>19 Q So, 1956 would not be accurate because you</p> <p>20 said you were there from '57 to '59.</p> <p>21 A Oh, I'm sorry, sorry.</p> <p>22 Q So, can you --</p> <p>23 A I stand corrected. As I said in the middle</p> <p>24 of my tenure at the 98 General Hospital, so it would</p> <p>25 be 1958.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Christian Holinka 33</p> <p>2 Q Can you tell me what type of work you did</p> <p>3 as a Private First Class from approximately July '57</p> <p>4 to 1958?</p> <p>5 A Yes. I worked in all branches of a</p> <p>6 clinical medical laboratory including bacteriology,</p> <p>7 biochemistry and hematology. And I should say</p> <p>8 pathology also.</p> <p>9 MR. DARCHE: Could we take a two minute</p> <p>10 break, please?</p> <p>11 MS. LEAVITT: Sure.</p> <p>12 (Whereupon, at 11:43 A.M., a short recess</p> <p>13 was taken)</p> <p>14 (Back on the record at 11:55 A.M.)</p> <p>15 Q Mr. Holinka, I just want to go backwards</p> <p>16 for a minute and then we will come back to the</p> <p>17 hospital.</p> <p>18 When you were at Fort Sam for those two</p> <p>19 months, do you know who supplied the Bunsen burners to</p> <p>20 Fort Sam?</p> <p>21 A No, I don't.</p> <p>22 Q Do you know who supplied the incubators to</p> <p>23 Fort Sam?</p> <p>24 A No, I don't.</p> <p>25 Q While working as a Private First Class at</p>	<p style="text-align: right;">Page 35</p> <p>1 Christian Holinka 35</p> <p>2 areas. Can you tell me when you were working with the</p> <p>3 Bunsen burner pads what type of work you were doing?</p> <p>4 A In chemistry you would make solutions, you</p> <p>5 would put them on the Bunsen burner pad to heat them</p> <p>6 to dissolve your ingredients. In bacteriology you</p> <p>7 would make agar for bacterial cultures that needed to</p> <p>8 be heated in. In histology you also made solutions</p> <p>9 that needed to be heated for the dye to dissolve.</p> <p>10 Many dyes dissolve only at a certain temperature.</p> <p>11 Q About how much of your time was spent</p> <p>12 handling or disposing of Bunsen burner pads?</p> <p>13 MR. DARCHE: You can answer if you know.</p> <p>14 A I don't know. It is so routine, I don't</p> <p>15 want to elaborate too much, it is so routine that</p> <p>16 whenever you needed to replace it, you did so.</p> <p>17 Q How long did it take on average to replace</p> <p>18 a Bunsen burner pad?</p> <p>19 A I don't know. It depends on its use. If</p> <p>20 it's used less frequent I'd say once a week,</p> <p>21 estimated. If it is used very frequent, probably more</p> <p>22 frequently.</p> <p>23 Q In order to dispose of a pad, would that</p> <p>24 take seconds, minutes, hours?</p> <p>25 A Seconds.</p>
<p style="text-align: right;">Page 34</p> <p>1 Christian Holinka 34</p> <p>2 the General Hospital, were you exposed to asbestos in</p> <p>3 any way?</p> <p>4 A Yes.</p> <p>5 Q Can you tell me how you believe you were</p> <p>6 exposed to asbestos while working as a Private First</p> <p>7 Class at 98 General Hospital?</p> <p>8 A Yes. Bunsen burner pads, mittens to shield</p> <p>9 from heat. Whenever you had shield glass work, you</p> <p>10 put on those mittens and eventually with use because</p> <p>11 of the heat and otherwise they became brittle and to</p> <p>12 my knowledge they contained asbestos as an insulator.</p> <p>13 MS. LEAVITT: Can you read that back,</p> <p>14 please.</p> <p>15 (Whereupon, at this time, the requested</p> <p>16 portion was read back by the reporter)</p> <p>17 Q Why do you believe you were exposed to</p> <p>18 asbestos from the Bunsen burner pads?</p> <p>19 A You handled them regularly, you replaced</p> <p>20 them. As they were exposed to heat, the center part</p> <p>21 decomposed, became brittle and you had to dispose of</p> <p>22 the pad and replace it with a new unit.</p> <p>23 Q And earlier you told us that you worked in</p> <p>24 all branches of the clinical medical lab including</p> <p>25 biochemistry, hematology, pathology and some other</p>	<p style="text-align: right;">Page 36</p> <p>1 Christian Holinka 36</p> <p>2 Q And would the only reason you would have to</p> <p>3 handle a Bunsen burner pad would be to dispose of it?</p> <p>4 A To manually handle it, yes.</p> <p>5 Q Do you know the manufacturer of the Bunsen</p> <p>6 burners that you worked with while working as a</p> <p>7 Private First Class at 98 General Hospital?</p> <p>8 A No.</p> <p>9 Q Do you know who supplied the Bunsen burners</p> <p>10 to the hospital?</p> <p>11 A I don't.</p> <p>12 Q Do you know who manufactured the pads that</p> <p>13 were on the Bunsen burners at General Hospital when</p> <p>14 you were a Private First Class?</p> <p>15 A I don't.</p> <p>16 Q Do you know who supplied the pads?</p> <p>17 A I don't.</p> <p>18 Q Can you tell me why you believe you were</p> <p>19 exposed to asbestos from mittens at 98 General</p> <p>20 Hospital while working as a Private First Class?</p> <p>21 A By frequently using them.</p> <p>22 Q Did you have to use the mittens at any time</p> <p>23 other than when shielding from glass work?</p> <p>24 A No.</p> <p>25 Q How often would you have to shield from</p>

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<p style="text-align: right;">Page 37</p> <p>1 Christian Holinka 37</p> <p>2 glass work?</p> <p>3 A Frequently, certainly daily.</p> <p>4 Q And would that take seconds, minutes or</p> <p>5 hours?</p> <p>6 A Minutes.</p> <p>7 Q Do you know who manufactured the mittens</p> <p>8 that you used while working as a Private First Class</p> <p>9 at the hospital?</p> <p>10 A I don't.</p> <p>11 Q Do you know who supplied the mittens to the</p> <p>12 hospital?</p> <p>13 A I don't.</p> <p>14 Q Do you recall the name of any co-workers</p> <p>15 that worked with you while you were a Private First</p> <p>16 Class at the hospital?</p> <p>17 A I don't.</p> <p>18 Q While working as a specialist starting in</p> <p>19 1958 until 1959, July or August of 1959, were you</p> <p>20 exposed to asbestos in any way?</p> <p>21 A The work was exactly the same as</p> <p>22 previously, so if you want me to specifically answer</p> <p>23 to the best of my knowledge, yes.</p> <p>24 Q Was there any difference between the work</p> <p>25 that you did as a specialist and the work that you did</p>	<p style="text-align: right;">Page 39</p> <p>1 Christian Holinka 39</p> <p>2 Q Where was the laboratory located in the</p> <p>3 hospital?</p> <p>4 A One of the wings of the hospital.</p> <p>5 Q Was there any ongoing renovation while you</p> <p>6 worked at the hospital?</p> <p>7 A Not to my knowledge.</p> <p>8 Q Were you exposed to any chemicals and fumes</p> <p>9 while working in the laboratory at the hospital?</p> <p>10 MR. DARCHE: I am going to object to the</p> <p>11 form of the question.</p> <p>12 But you can answer.</p> <p>13 A I used chemicals all the time for</p> <p>14 solutions, making solutions, making dyes with the</p> <p>15 necessary caution.</p> <p>16 Q Would you have inhaled any of the fumes</p> <p>17 from these chemicals?</p> <p>18 MR. DARCHE: Objection.</p> <p>19 You can answer.</p> <p>20 THE WITNESS: I can answer?</p> <p>21 MR. DARCHE: Yes, you can answer.</p> <p>22 A Minimally because we were very careful.</p> <p>23 Q And what types of precautions did you take?</p> <p>24 A With strong fumes of acids you did it under</p> <p>25 a sterile hood which would suck up the fumes, so to</p>
<p style="text-align: right;">Page 38</p> <p>1 Christian Holinka 38</p> <p>2 as a Private First Class?</p> <p>3 A No.</p> <p>4 Q The only difference was the title changed?</p> <p>5 A Yes.</p> <p>6 Q So, all of the questions that I just asked</p> <p>7 you about Bunsen burners, the Bunsen burner pads and</p> <p>8 the mittens would all --</p> <p>9 MS. LEAVITT: Strike that.</p> <p>10 Q Would all of your answers with respect to</p> <p>11 the Bunsen burners, the Bunsen burner pads and the</p> <p>12 mittens while you were working as a Private First</p> <p>13 Class at 98 General Hospital apply to the time that</p> <p>14 you also worked as a specialist?</p> <p>15 A Yes, that's correct.</p> <p>16 Q Do you recall the names of any co-workers</p> <p>17 that you worked with when you were a specialist?</p> <p>18 A I don't.</p> <p>19 Q Did you work in one laboratory or was there</p> <p>20 more than one laboratory at General Hospital?</p> <p>21 A It was one laboratory consisting of</p> <p>22 different divisions.</p> <p>23 Q Were you in any particular division?</p> <p>24 A Most of my work was in biochemistry, in</p> <p>25 bacteriology and in histology, pathology.</p>	<p style="text-align: right;">Page 40</p> <p>1 Christian Holinka 40</p> <p>2 speak.</p> <p>3 Q And what about with fumes that were not</p> <p>4 quite as strong?</p> <p>5 A I work at the bench.</p> <p>6 Q Did you wear any type of mask or respirator</p> <p>7 when you were working at the bench?</p> <p>8 A For bacterial cultures, certainly, yes.</p> <p>9 Q What about for non-bacterial cultures?</p> <p>10 A Generally no.</p> <p>11 Q When others were working nearby with strong</p> <p>12 fumes such as acids, would you wear any type of mask</p> <p>13 or respirator?</p> <p>14 A No.</p> <p>15 Q Other than acids what would you classify as</p> <p>16 strong fumes?</p> <p>17 MR. DARCHE: Objection to the form.</p> <p>18 You can answer.</p> <p>19 A Organic solvents, for example, alcohol or</p> <p>20 toluene, a whole number of.</p> <p>21 Q Were acids used by yourself on a daily</p> <p>22 basis?</p> <p>23 A No.</p> <p>24 Q Were they used by others in the laboratory</p> <p>25 on a daily basis?</p>

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<p>1 Christian Holinka 41</p> <p>2 A No.</p> <p>3 Q How often, if you can estimate for me,</p> <p>4 would you use acids?</p> <p>5 A Estimated once every two weeks.</p> <p>6 Q And how often would others in the</p> <p>7 laboratory use acids?</p> <p>8 A About the same.</p> <p>9 Q And how often would you use organic</p> <p>10 solvents?</p> <p>11 A Regularly.</p> <p>12 Q Can you define that, please?</p> <p>13 A In histology on a daily basis and my</p> <p>14 overall work in histology during that period was</p> <p>15 approximately eight months, six to eight months.</p> <p>16 Q And is that the same for your co-workers?</p> <p>17 A Yes.</p> <p>18 Q Do you know the manufacturer of any of the</p> <p>19 acids?</p> <p>20 A No.</p> <p>21 Q Do you know the manufacturer for any of the</p> <p>22 organic solvents?</p> <p>23 A No.</p> <p>24 Q Were you exposed to asbestos in any --</p> <p>25 MS. LEAVITT: Strike that.</p>	<p>1 Christian Holinka 43</p> <p>2 A I don't.</p> <p>3 Q Can you tell me where you lived after you</p> <p>4 left the military in 1959?</p> <p>5 A I lived in Queens.</p> <p>6 Q Where?</p> <p>7 A Don't recall the address. I rented a room</p> <p>8 for about three and a half, four months.</p> <p>9 Q Was that in a private home?</p> <p>10 A Yes.</p> <p>11 Q Were you exposed to asbestos in any way</p> <p>12 while living for the three or four months in that</p> <p>13 private home?</p> <p>14 A Not to my knowledge.</p> <p>15 Q Was there any ongoing renovations on that</p> <p>16 home while you were there?</p> <p>17 A No, not to my knowledge.</p> <p>18 Q After the three or four months, where did</p> <p>19 you live?</p> <p>20 A In Berkeley, California.</p> <p>21 Q Do you remember a street address?</p> <p>22 A 2242 Carlton Street.</p> <p>23 Q And what years did you live at the Carlton</p> <p>24 Street address?</p> <p>25 A 1960 to 1962.</p>
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<p>1 Christian Holinka 42</p> <p>2 Q Other than the Bunsen burner pads and the</p> <p>3 mittens that you have already told us about, were you</p> <p>4 exposed to asbestos in any other way while working at</p> <p>5 98 General Hospital?</p> <p>6 A I don't know. I understand there is</p> <p>7 equipment that may or may not have contained asbestos</p> <p>8 but that was beyond my judgment.</p> <p>9 Q Where did you get this understanding that</p> <p>10 there may or may not have been equipment with</p> <p>11 asbestos-containing products?</p> <p>12 A It was generally understood, I could not</p> <p>13 give you a specific, a specific source.</p> <p>14 MS. LEAVITT: Can you strike the word</p> <p>15 products from that last sentence, please.</p> <p>16 A And could I amend the somewhat products may</p> <p>17 be misleading also. Scientific instruments like</p> <p>18 autoclave or sterile hoods.</p> <p>19 Q Well, I am just going to reask the</p> <p>20 question. Were there any other ways that you believe</p> <p>21 you were exposed to asbestos while working at 98</p> <p>22 General Hospital?</p> <p>23 A I can --</p> <p>24 MR. DARCHE: Without guessing do you know</p> <p>25 of any other ways?</p>	<p>1 Christian Holinka 44</p> <p>2 Q What type of residence was this?</p> <p>3 A A private home.</p> <p>4 Q Were you renting or did you own?</p> <p>5 A The top floor was rented out by students.</p> <p>6 Q Were you one of the students on the top</p> <p>7 floor?</p> <p>8 A Yes.</p> <p>9 Q Where were you a student at that time?</p> <p>10 A University of California, Berkeley.</p> <p>11 Q Were there any renovations ongoing at the</p> <p>12 Carlton Street address while you lived there?</p> <p>13 A No.</p> <p>14 Q Where did you live after the Carlton Street</p> <p>15 address?</p> <p>16 A At various addresses in Berkeley,</p> <p>17 California.</p> <p>18 Q Was that while you were still a student?</p> <p>19 A As a graduate student in physiology.</p> <p>20 Q Were you exposed to asbestos in any way</p> <p>21 while residing at these various addresses?</p> <p>22 A In working at the different laboratories --</p> <p>23 MR. DARCHE: In your addresses where you</p> <p>24 lived.</p> <p>25 Q At the residence.</p>

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<p>1 Christian Holinka 45</p> <p>2 A No, no, not to my knowledge.</p> <p>3 Q Do you recall any renovations being done at</p> <p>4 any of those various addresses?</p> <p>5 A I don't recall.</p> <p>6 Q Once you graduated where did you live?</p> <p>7 A In part in Berkeley, for the most part in</p> <p>8 Berkeley, California and for about a year in Europe,</p> <p>9 mainly in France.</p> <p>10 Q When did you graduate from Berkeley?</p> <p>11 A 1962.</p> <p>12 Q Where did you live in Europe for that year?</p> <p>13 A Mostly in Paris.</p> <p>14 Q Did you reside in a private residence, in a</p> <p>15 private home or in an apartment building?</p> <p>16 A It was an apartment building.</p> <p>17 Q Do you recall the address?</p> <p>18 A No.</p> <p>19 Q Were you exposed to asbestos in any way</p> <p>20 while residing in the apartment building in Paris?</p> <p>21 A Not to my knowledge.</p> <p>22 Q Was there any ongoing renovations while you</p> <p>23 lived at the apartment building in Paris?</p> <p>24 A No.</p> <p>25 Q Did you live in only one apartment building</p>	<p>1 Christian Holinka 47</p> <p>2 A Approximately two years.</p> <p>3 Q Were you working or attending school while</p> <p>4 living at these three addresses?</p> <p>5 A Both.</p> <p>6 Q Was this still for your graduate degree in</p> <p>7 physiology?</p> <p>8 A Until 1966, yes.</p> <p>9 Q Were you exposed to asbestos in any way</p> <p>10 while residing at the College Avenue, Blake Street</p> <p>11 and/or Center Street locations?</p> <p>12 A To the best of my knowledge, no.</p> <p>13 Q Did you own or rent these residences?</p> <p>14 A Rent.</p> <p>15 Q Were there any ongoing renovations while</p> <p>16 you resided at these addresses?</p> <p>17 A I do not recall but I do not believe so.</p> <p>18 Q And can you tell me after the Center Street</p> <p>19 location where you lived?</p> <p>20 A In New York.</p> <p>21 Q Did you move to New York in approximately</p> <p>22 1971?</p> <p>23 A Yes.</p> <p>24 Q And did you reside at 284 West 12th Street?</p> <p>25 A That's correct.</p>
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<p>1 Christian Holinka 46</p> <p>2 in Paris --</p> <p>3 A Yes.</p> <p>4 Q -- or more than one?</p> <p>5 A Yes, one.</p> <p>6 Q After living in that apartment building in</p> <p>7 Paris, where did you then reside?</p> <p>8 A Berkeley, California.</p> <p>9 Q Do you recall the exact address?</p> <p>10 A There were several addresses, I don't</p> <p>11 recall the exact numbers. I recall several streets.</p> <p>12 Q Can you tell me the street names?</p> <p>13 A College Avenue, Blake Street, Center</p> <p>14 Street.</p> <p>15 Q Did you live at those addresses in that</p> <p>16 order?</p> <p>17 A Yes.</p> <p>18 Q For how long did you live at the College</p> <p>19 Avenue location?</p> <p>20 A About a year and a half.</p> <p>21 Q And for how long did you live at the Blake</p> <p>22 Street location?</p> <p>23 A Also about a year and a half to two years.</p> <p>24 Q And how long did you reside at the Center</p> <p>25 Street location?</p>	<p>1 Christian Holinka 48</p> <p>2 Q Did you own 284 West 12th Street?</p> <p>3 A No, I rented it.</p> <p>4 Q Did you continue to reside at the West 12th</p> <p>5 Street location until approximately 1977?</p> <p>6 A That's correct.</p> <p>7 Q Were you exposed to asbestos in any way</p> <p>8 while living at the West 12th Street location?</p> <p>9 A Not to my knowledge.</p> <p>10 Q Did you do any renovations at the West 12th</p> <p>11 Street location?</p> <p>12 A No.</p> <p>13 Q Were there any renovations done at the</p> <p>14 building during the time that you lived there?</p> <p>15 A No.</p> <p>16 Q Did you ever do any work in the basement of</p> <p>17 that building?</p> <p>18 A No.</p> <p>19 Q Do you know what a riser is?</p> <p>20 A A riser?</p> <p>21 Q A riser, in an apartment building.</p> <p>22 A No, I don't.</p> <p>23 Q Are you familiar with piping that goes from</p> <p>24 the ceiling to the floor?</p> <p>25 A Yes.</p>

12 (Pages 45 to 48)

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<p style="text-align: right;">Page 49</p> <p>1 Christian Holinka 49</p> <p>2 Q And there is heat in it.</p> <p>3 MR. DARCHE: I am going to just object to</p> <p>4 the form. The witness testified he does not know</p> <p>5 what it is.</p> <p>6 You can answer.</p> <p>7 Q Are you familiar with that, sir?</p> <p>8 A Well, sometimes you see it in public</p> <p>9 spaces, so I guess. But I did not have this in any of</p> <p>10 my apartments.</p> <p>11 Q How was the West 12th Street apartment</p> <p>12 heated?</p> <p>13 A I believe steam heating, I'm not certain.</p> <p>14 Q Did you live at the West 12th Street</p> <p>15 location with your ex-wife?</p> <p>16 A Yes.</p> <p>17 Q Where did you live after the West 12th</p> <p>18 Street location?</p> <p>19 A In Los Angeles.</p> <p>20 Q Do you recall the address?</p> <p>21 A Yes. Hayworth Avenue, I do not recall the</p> <p>22 number, in West Hollywood.</p> <p>23 Q Can you spell Hayworth?</p> <p>24 A H-A-Y-W-O-R-T-H.</p> <p>25 Q How long did you live there?</p>	<p style="text-align: right;">Page 51</p> <p>1 Christian Holinka 51</p> <p>2 Q Where did you live after the Hayworth</p> <p>3 Avenue location?</p> <p>4 A In New York City.</p> <p>5 Q You moved back to New York in approximately</p> <p>6 1977?</p> <p>7 A In 1977, yes.</p> <p>8 Q And do you recall where the residence that</p> <p>9 you moved back to, where that was?</p> <p>10 A I do.</p> <p>11 Q Okay.</p> <p>12 A 299 West 12th Street, Apartment 8-A.</p> <p>13 Q Was that where you continued to reside?</p> <p>14 A The address, yes. The apartment, no. As</p> <p>15 of 1979 is 9-J.</p> <p>16 Q You moved right down the block from where</p> <p>17 you were?</p> <p>18 A Yes. You know, New York.</p> <p>19 Q Did you do any renovations to Apartment</p> <p>20 8-A?</p> <p>21 A No.</p> <p>22 Q Were there any renovations done in the</p> <p>23 building from 1977 to 1979 when you lived in Apartment</p> <p>24 8-A?</p> <p>25 A Not to my knowledge.</p>
<p style="text-align: right;">Page 50</p> <p>1 Christian Holinka 50</p> <p>2 A From 1974 to 1977.</p> <p>3 Q Were you living in New York and Los Angeles</p> <p>4 back and forth at the same time?</p> <p>5 A No.</p> <p>6 Q You had told us that you lived at the West</p> <p>7 12th Street location from 1971 to 77?</p> <p>8 A '74.</p> <p>9 Q Was the Hayworth Avenue residence a</p> <p>10 single-family home?</p> <p>11 A No, it was a small apartment building.</p> <p>12 Q Were you exposed to asbestos in any way</p> <p>13 while living at the Hayworth Avenue apartment?</p> <p>14 A Not to my knowledge.</p> <p>15 Q Were there any ongoing renovations to your</p> <p>16 apartment?</p> <p>17 A No.</p> <p>18 Q What about to the apartment building?</p> <p>19 A Not to my knowledge.</p> <p>20 Q Did you ever do any work in the basement of</p> <p>21 that building?</p> <p>22 A No.</p> <p>23 Q Did you live at that residence with your</p> <p>24 wife?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 52</p> <p>1 Christian Holinka 52</p> <p>2 Q And did you do any renovations in Apartment</p> <p>3 9-J since moving in in 1979?</p> <p>4 A No.</p> <p>5 Q Has the building undergone any renovations</p> <p>6 since 1979?</p> <p>7 A Yes.</p> <p>8 Q What type?</p> <p>9 A There was new electricity, television. I</p> <p>10 do not recall exactly what cables were laid with</p> <p>11 drilling that generated a lot of dust.</p> <p>12 Q When was that done?</p> <p>13 A Approximately 12 years ago, I'm not exactly</p> <p>14 sure as to the year.</p> <p>15 Q Did they have to drill in your apartment at</p> <p>16 all?</p> <p>17 A Yes.</p> <p>18 Q What were the walls made of in your</p> <p>19 apartment, if you know?</p> <p>20 (All defendants object)</p> <p>21 A I don't know.</p> <p>22 Q You continue to reside in Apartment 9-J?</p> <p>23 A Yes.</p> <p>24 Q Has anyone else lived with you during the</p> <p>25 time that you lived at 299 West 12th Street?</p>

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<p style="text-align: right;">Page 53</p> <p>1 Christian Holinka 53</p> <p>2 A Yes, a friend.</p> <p>3 Q Do they continue to live with you?</p> <p>4 A No.</p> <p>5 Q During what time period did your friend</p> <p>6 live with you?</p> <p>7 A 1982 to 2000.</p> <p>8 Q Can you tell me the name of your friend?</p> <p>9 A James Johnson.</p> <p>10 Q Are you okay, do you need a break?</p> <p>11 A In a little while.</p> <p>12 Q Because if you need a break, this would be</p> <p>13 a good time before I get into work exposure.</p> <p>14 MR. DARCHE: Why don't we take like a half</p> <p>15 hour, 45 minutes, just grab some lunch.</p> <p>16 (Whereupon, at 12:30 P.M., a lunch recess</p> <p>17 was taken)</p> <p>18 (Back on the record at 1:00 P.M.)</p> <p>19 MR. DARCHE: We are going to stop, come</p> <p>20 back and finish up on another day.</p> <p>21 (Whereupon, at 1:00 P.M., the</p> <p>22 examination of this witness was concluded)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 55</p> <p>1 55</p> <p>2 INDEX TO TESTIMONY</p> <p>3 Page Line</p> <p>4 Direct Examination by Ms. Leavitt 7 15</p> <p>5</p> <p>6 INDEX TO REQUESTS</p> <p>7 Page Line</p> <p>8 Request is made to provide the 18 4</p> <p>9 specific address on Rosenthal Strasse</p> <p>10 if it can be obtained</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 54</p> <p>1 Christian Holinka 54</p> <p>2</p> <p>3 WITNESS CERTIFICATION</p> <p>4</p> <p>5 I have read the foregoing transcript of my</p> <p>6 testimony and find it to be true and accurate to</p> <p>7 the best of my knowledge and belief.</p> <p>8</p> <p>9</p> <p>10 _____</p> <p>11 CHRISTIAN HOLINKA</p> <p>12 Subscribed and sworn to</p> <p>13 before me on this ____ day</p> <p>14 of _____, 2007.</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18 NOTARY PUBLIC</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 56</p> <p>1 CERTIFICATE OF NOTARY 56</p> <p>2</p> <p>3 I, CHERYL F. BAREN, a Stenotype Shorthand</p> <p>4 Reporter and Notary Public within and for the State of</p> <p>5 New York, do hereby certify that the within</p> <p>6 Examination Before Trial of CHRISTIAN HOLINKA was held</p> <p>7 before me and I faithfully and impartially recorded</p> <p>8 stenographically the questions, answers and colloquy.</p> <p>9</p> <p>10 I further certify that after said examination was</p> <p>11 recorded stenographically by me, it was reduced to</p> <p>12 typewriting under my supervision, and I hereby submit</p> <p>13 that the within contents of said examination are true</p> <p>14 and accurate to the best of my ability.</p> <p>15</p> <p>16 I further certify that I am not a relative of nor</p> <p>17 an attorney for any of the parties connected with the</p> <p>18 aforesaid examination, nor otherwise interested in the</p> <p>19 testimony of the witness.</p> <p>20</p> <p>21</p> <p>22 _____</p> <p>23 CHERYL F. BAREN</p> <p>24</p> <p>25</p>

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